

MINUTES

BOARD FOR LICENSING HEALTH CARE FACILITIES SPECIAL TELEPHONIC BOARD MEETING JUNE 30, 2004

The Board for Licensing Health Care Facilities was called to order by Cathy Green, Director of Licensure on June 30, 2004 commencing at 10:00 a.m., C.D.T., a quorum being present as follows:

Members Present by Telephone:

Dr. James Galyon
Mr. Ron Arrison
Dr. Duane Budd
Ms. Charlotte Burns
Dr. Clifton Exum
Dr. Terry Horgan
Mr. Charles Hewgley
Mr. Albert Jones
Dr. Douglas Leahy
Ms. Annette Marlar
Dr. Roxane Spitzer
Dr. Joe T. Walker

Members Physically Present:

Dr. Larry Arnold, Chairman
Ms. Cathy Green, Director of Board for Licensing
Ms. Katy Gammon, Director of Health Care Facilities
Mr. Ernie Sykes, General Counsel
Ms. Wanda Hines, Board Administrator

Ms. Green called the meeting to order. A quorum was established by roll call vote.

Ms. Green advised the members of the reason for this special meeting is to address two issues. The first issue is to allow healthcare facilities to utilize the old DNR forms that are currently in statute until such time as the Board for Licensing Health Care Facilities approves newly developed forms or models and rules are promulgated as mandated in Senate Bill 2312. The second issue is to discuss the issue of an agent and can that definition also include surrogate or other person authorized to consent on a patient's behalf until such time as the new DNR and rules are promulgated.

Motion was made by Dr. Budd, seconded by Mr. Jones for the Board to:

Conduct the roll call vote to determine if the Board wishes to proceed and if the subject matter requires timely action as Ms. Green have outlined.

Motion carried by roll call vote.

A copy of Senate Bill 2312 and the current DNR form that occurs in statute that our health care facilities and emergency medical services uses was sent to each board member. During the previous meeting held regarding the DNR form that some of the attorneys that represented healthcare facilities felt that the statutory language in this new bill made the old form invalid or did not give immunity using the current forms effective July 1, 2004. Since the Board did not meet until August 5, 2004, there was a concern about continuing using the current form. It was asked for the Board to approve using the new form or the current existing form as it is until a new form is promulgated.

Mr. Sykes, General Counsel reiterated on Senate Bill 2312 and encourage the Board to vote to approve the use of the current DNR form pending the new regulations and the new form that will promulgate pursuant to those regulations.

Motion was made by Dr. Spitzer, seconded by Mr. Arrison to:

Continue to allow the use of the existing DNR form until a new form can be promulgated by the Board.

Motion carried by roll call vote.

Ms. Green explained the second item that need to be discuss regarding the DNR form is on the "Patient's Statement". It states that "I the undersigned patient or agent with durable power of attorney for healthcare" and in consideration with the new Senate Bill 2312 and its definitions for agent will also include a surrogate or other person authorized to consent on the patient's behalf until such time as the new DNR and rules are promulgated.

Motion was made by Mr. Arrison, seconded by Dr. Budd to:

Approve that the definition of agent include also a surrogate or other person authorized to consent on the patient's behalf.

Motion carried by roll call vote.

Several board members had questions regarding the definition of a "surrogate". Mr. Sykes, General Counsel as well as Ms. Gammon, Director of Health Care Facilities explained the definition according to new legislation, rules and the distinction set forth pursuant to the rules this Board will promulgate regarding a surrogate.

Motion was made by Dr. Walker, seconded by Dr. Horgan to discontinue the conference call.

Motion carried by roll call vote.

With all business concluded, Dr. Arnold adjourned the meeting.

Respectfully submitted,

James T. Galyon, M.D.